

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-15054 - APPLICANT/OWNER: ECT HOLDINGS, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. The applicant shall obtain building permits and call for final inspection by the Building and Planning Department within thirty (30) days of approval by the City Council.
2. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise sign.
5. Only one advertising sign is permitted per sign face.
6. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, and (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
7. All City Code requirements and design standards of all City Departments shall be satisfied.

## **\*\* STAFF REPORT \*\***

### **APPLICATION REQUEST**

This is a Required Five Year Review of an approved Variance (V-0068-90) which allowed a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign 290 feet from an existing billboard where 300 feet is the minimum separation distance required at 1200 East Charleston Boulevard.

### **EXECUTIVE SUMMARY**

This is the second review of the subject Off-Premise Advertising (Billboard) Sign that was originally approved by the City Council on 08/01/90. A site inspection revealed that the sign is in good condition, with no graffiti or bird mess. The signage on one of the faces is torn and needs to be replaced. The building permit for the sign was issued on 08/07/90. The sign has never been finalized. A condition of approval has been included, which requires a final permit within 30 days of approval. Staff is recommending approval of the required review with an additional review in two years.

### **BACKGROUND INFORMATION**

#### ***A) Related Actions***

- |          |  |
|----------|--|
| 08/01/90 | The City Council approved a Variance (V-0068-90) to allow a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign and to allow the sign to be located 290 feet from an existing sign, where a 300-foot minimum separation is required. The Board of Zoning Adjustment and staff recommended approval.  |
| 09/20/95 | The City Council approved a Required Five Year Review [V-0068-90(1)] of an approved Variance, which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign 290 feet from an existing sign, where a 300-foot minimum separation is required at 1200 East Charleston Boulevard. The Board of Zoning Adjustment and staff recommended approval.                          |
| 03/24/97 | The City Council approved an appeal by applicant, which the Board of Zoning Adjustment recommended denial for a Special Use Permit (U-0001-97) to allow a 40-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign to replace an existing 12-foot by 24-foot Off-Premise Advertising (Billboard) Sign. The Board of Zoning Adjustment and staff recommended denial. |

- 09/28/97      The City Council denied an appeal by the applicant, which the Planning Commission recommended denial for an Extension of Time [U-0001-97(1)] of an approved 40-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 1200 East Charleston Boulevard. The Planning Commission and staff recommended denial.
- 08/24/06      The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/bts).

***B) Pre-Application Meeting***

A pre-application meeting is not required for this application.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for this application, nor was one held.

***D) Building Permit History***

A building permit for the subject billboard was issued on 08/07/05, but a final inspection was never completed. A condition of approval has been added, which requires a final inspection within thirty (30) days of approval.

***E) Site Inspection Information***

A Site Inspection was completed on 07/20/06. The inspection revealed that the sign is in good condition overall. One face of the billboard is torn, but will be replaced once a new advertisement is used. Also, there were no embellishments on the subject sign. A condition has been included that requires the sign to be maintained and kept free of graffiti and clean at all times.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres:              2.62

***B) Existing Land Use***

Subject Property: Theatre  
North:              Multi-tenant retail buildings  
South:              Single-family dwellings  
                         Office  
East:                Commercial building  
West:                Convenience store

**C) Planned Land Use**

Subject Property: C (Downtown - Commercial)  
North: C (Downtown - Commercial)  
South: SC (Service Commercial)  
East: C (Downtown - Commercial)  
West: C (Downtown - Commercial)

**D) Existing Zoning**

Subject Property: C-2 (General Commercial)  
North: C-2 (General Commercial)  
South: R-1 (Single Family Residential)  
C-D (Designed Commercial)  
East: C-2 (General Commercial)  
West: C-2 (General Commercial)

**E) General Plan Compliance**

The site is designated as C (Commercial) on the Downtown Redevelopment Plan map of the Southeast Sector map of the General Plan. The existing C-2 (General Commercial) zoning is in compliance with this land use designation.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Redevelopment Plan Area	<b>X</b>	
<b>Special Overlay District</b>	<b>X</b>	
Historic Preservation Site	<b>X</b>	
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Neighborhood</b>		<b>X</b>
<b>Inter-local Agreement Joint Land Use Planning Area</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

The subject property has been designated as a Historic Preservation Site. The Huntridge Theatre is listed on both the State of Nevada and National Historic Registers. The subject required review for the billboard does not affect the Huntridge Theatre.

**ANALYSIS**

**A) General Analysis and Discussion**

The subject sign was approved by the City Council on 08/01/90. The sign was approved as a Variance to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign 290 feet from an existing billboard where 300 feet is the minimum separation distance required. The sign was constructed at 12 feet by 24 feet and 40 feet tall. Currently, there are no signs within 300 feet of the existing sign. Therefore, the original Variance is no longer valid.

In 1997, the applicant proposed to re-locate the existing billboard approximately 70 feet west of its current location. This request was processed as a Special Use Permit (U-0001-97), which was approved by the City Council on 03/24/97. The City Council denied an Extension of Time [U-0001-97(1), for the 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign. Therefore, the sign was not relocated to the proposed location.

The continued use of the Off-Premise Advertising (Billboard) Sign on the subject site is appropriate; however, this is a historic site. Staff has recommended that this use be subject to a review again in two years.

***B) Conditions of approval from Required Review [V-0068-90(1)]***

1. The Board shall review this use in five years at a public hearing and at that time may require the sign to be removed.
2. The applicant shall obtain an off-premise sign certificate from the Department of Community Planning and Development prior to issuance to a building permit.
3. Conformance to the plot plan and elevations.
4. Satisfaction of City Code requirements and design standards of all City departments.

**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Title 19.14.100 allows the removal of an Off-Premise Advertising (Billboard) Sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards of the Code. The continued use of the Off-Premise Advertising (Billboard) Sign on the subject site is appropriate; however, the historic Huntridge Theatre exists on the subject site. Staff has recommended that this use be subject to a review again in two years.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is physically suitable for the proposed Off-Premise Advertising (Billboard) Sign use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The Off-Premise Advertising (Billboard) Sign use does not generate any additional traffic to this site and will not require provisions for additional access.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The Off-Premise Advertising (Billboard) Sign use does not compromise the public health, safety, and welfare, as it is subject to the provisions of the Sign Code and the Uniform Building Code.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 12

**SENATE DISTRICT** 10

**NOTICES MAILED** 316 by City Clerk

**APPROVALS** 0

**PROTESTS** 0